

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

GREGORY COLBURN, et al.,

Defendants.

Cr. No. 19-10080-NMG

**DEFENDANTS' REPLY IN SUPPORT OF MOTION TO ADMIT EXTRINSIC
EVIDENCE FOR IMPEACHMENT**

Defendants submit this reply in support of their motion to admit extrinsic evidence for impeachment of Pat Haden, Alex Garfio, and Timothy Brunold. As explained in Defendants' motion (Dkt. 2293), this evidence is crucial to Defendants' case with respect to the charge of honest services fraud. Specifically, the documents Defendants seek to use for impeachment relate directly to the material issue of the honest services owed to USC. In its opposition, the government does not cite to a single honest services fraud case. Instead, the government relies on regular mail and wire fraud cases. Those cases, unlike the present case, did not involve the central issue of the honest services that were owed to the allegedly defrauded entity. That makes this case distinguishable, and those cases are inapposite.

Thus, for the reasons explained herein and in Defendants' motion (Dkt. 2293), Defendants respectfully request that the Court allow the admission of evidence to impeach Pat Haden, Alex Garfio, and Timothy Brunold.

Dated: September 29, 2021

Respectfully submitted,

GAMAL ABDELAZIZ

By his attorneys,

/s/ Brian T. Kelly

Brian T. Kelly (BBO # 549566)
Joshua C. Sharp (BBO # 681439)
Lauren A. Maynard (BBO # 698742)
NIXON PEABODY LLP
53 State Street
Boston, MA 02109
617-345-1000
bkelly@nixonpeabody.com
jsharp@nixonpeabody.com
lmaynard@nixonpeabody.com

Robert Sheketoff (BBO # 457340)
One McKinley Square
Boston, MA 02109
(617) 367-3449
Robert Sheketoff (BBO # 457340)
One McKinley Square
Boston, MA 02109
617-367-3449

JOHN WILSON

By his attorneys,

/s/ Michael Kendall

Michael Kendall (BBO # 544866)
Lauren M. Papenhausen (BBO # 655527)
WHITE & CASE LLP
75 State Street
Boston, MA 02109-1814
(617) 979-9300
michael.kendall@whitecase.com
lauren.papenhausen@whitecase.com

Andrew E. Tomback (pro hac vice)
MCLAUGHLIN & STERN, LLP
260 Madison Avenue
New York, NY 10016
(212) 448-1100
atomback@mclaughlinstern.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on September 29, 2021, and thereby delivered by electronic means to all registered participants as identified on the Notice of Electronic Filing.

/s/ Brian T. Kelly
Brian T. Kelly